

REMARKS

The application has been reviewed and revised in light of the non-final Office Action dated April 30, 2007 and the telephone interview on Tuesday, June 19, 2007. Applicant thanks Examiner Phu for the courtesies extended to Applicant's representative in that telephone interview. The present communication is believed to be a full and complete response to that Office Action.

Claims 1-16 were pending in the present application prior to entry of the present amendments and Claims 2, 3, 8, 9, and 13-15 had been withdrawn from consideration. By the present Office Action Claims 1, 4-7, 10-12, and 16 have been rejected. Applicant respectfully traverses these rejections. By the present response, Claims 1, 4, 7, 12, and 16 have been amended and new Claim 17 has been added. Upon entry of the present amendments, Claims 1, 4-7, 10-12, and 17 are present. Support for these amendments can be found in the original specification, and thus, no new matter has been added. Applicant reserves the right to pursue all original claims in this or other patent applications. Examiner Phu is respectfully requested to reconsider the application in view of the following remarks set forth herein.

I. SUMMARY OF THE AMENDMENTS

In the Claims

Claims 1, 4, 7, 12, and 16 are amended.

Claim 17 has been added.

II. CLAIM REJECTIONS

Under 35 U.S.C. § 102

The Office Action has rejected Claims 1, 4, 6, and 7 under 35 U.S.C. § 102(e) as being anticipated by published application U.S. 2004/0076136 to *Beach*. Applicant respectfully traverses this rejection and requests reconsideration and withdrawal thereof.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See MPEP § 2131; *Verdegaal Bros. V. Union Oil Co. of Calif.*, 814 F.2d 628, 631 (Fed. Cir. 1987).

With regard to pending Claim 1, the Office Action states that *Beach* discloses procedures of “communicating wireless signals to the wireless peripheral device,” with “the wireless signals utilizing more than one wireless technology standard,” and also “forwarding the communication to the wireless peripheral device using a single wireless technology standard,” citing paragraphs [0039] through [0043]. However, such steps are not in fact disclosed in these paragraphs or elsewhere in this reference. Rather, these paragraphs merely refer to a flow diagram of a process for association and re-association between a peripheral unit and a mobile unit. The mobile unit sends a beacon signal to locate any new peripherals, whereupon the mobile unit associates and exchanges data directly with the peripheral. The peripheral may optionally include an 802.11 program for separate communications with an access point of a wireless network. The mobile unit may attempt to directly associate with the peripheral, and after one or more repeated

unsuccessful attempts for direct communication, the mobile unit may send an 802.11 communication indirectly to the peripheral device *via* a wireless access point through the network.

Applicant respectfully submits that, as detailed below, the cited reference fails to disclose or suggest each and every element as set forth in independent Claims 1 and 7, and as a matter of law, claims that depend respectively therefrom, namely claims 4-6 and 10-11, in order to demonstrate anticipation in accordance with 35 U.S.C. § 102.

Claim 1 as currently pending is reproduced below:

Claim 1. A method, comprising the steps of:

receiving a communication for a wireless peripheral device;

communicating wireless signals in a plurality of wireless technology standards at the same time to the wireless peripheral device;

identifying a single wireless technology standard utilized by the wireless peripheral device; and

forwarding the communication to the wireless peripheral device using a single wireless technology standard.

Applicant respectfully submits that the references alleged in the Office Action to anticipate the present invention do not include at least the features of Claim 1 highlighted above. As noted hereinabove, *Beach* relates to a system of direct communication between a mobile

device and a peripheral component. *Beach* discloses an optional method where, upon failing to establish direct communication, the mobile device may establish indirect communication through an access point *via* an 802.11 protocol. *Beach* may be construed as disclosing two standards whereby the mobile device and the peripheral may exchange data, *i.e.* the IEEE 802.11 protocols and a method of direct communication, not explicitly disclosed in the reference but implied to be different from 802.11. However, it is readily apparent from *Beach* that indirect 802.11 communication through a WLAN is disclosed as being an optional, alternative approach, in the event that direct communication fails. It is therefore clear that these approaches are not implemented together at the same time, but alternatively and sequentially. Therefore, *Beach* fails to disclose or suggest a method that includes *communicating wireless signals in a plurality of wireless technology standards at the same time to the wireless peripheral device and forwarding the communication to the wireless peripheral device using a single wireless technology standard*. Therefore, *Beach* cannot be construed as anticipating the present Claim 1. The aforementioned claim language was discussed in the above-referenced telephone interview, and Examiner Phu proposed that “communicating...at the same time” was believed to distinguish over the prior art, pending an updated search of the prior art. Applicant thanks Examiner Phu for this helpful suggestion.

Further to the above, it is also noted that *Beach* fails to disclose or suggest an intermediate step of *identifying a single wireless technology standard utilized by the wireless peripheral device*, as also recited in Claim 1. Furthermore, *Beach* cannot be relied upon to show

that the *step of identifying further comprises receiving an acknowledgement from the wireless peripheral device, the acknowledgement indicating the single wireless technology standard utilized by the wireless peripheral device*, as further stipulated in Claim 4.

In view of at least the aforementioned reasons, it is readily apparent that *Beach* fails to disclose each and every aspect of the claim, as required in order to meet the conditions stipulated by 35 U.S.C. § 102. Applicant therefore respectfully requests that the rejection of Claim 1 and Claims 4, 5, and 6 that depend therefrom be withdrawn and these claims be allowed.

Claim 7 as currently pending is reproduced below:

Claim 7. A method for communicating with a wireless peripheral device, the method comprising:

receiving a communication for the wireless peripheral device;

instructing multiple wireless systems to communicate wireless signals to the wireless peripheral device, the multiple wireless systems utilizing multiple wireless technology standards at the same time for communicating;

identifying a single wireless technology standard utilized by the wireless peripheral device; and

forwarding the communication to the wireless peripheral device using the single wireless technology standard.

Applicant respectfully submits that *Beach* fails to disclose at least the features of Claim 7 highlighted above. To wit, there is nothing disclosed or suggested in that reference that suggests a method including *instructing **multiple wireless systems to communicate wireless signals to the wireless peripheral device, the multiple wireless systems utilizing **multiple wireless technology standards at the same time for communicating.***** In the cited paragraph [0046], *Beach* mentions the desirability of using a single peripheral device with more than one mobile unit, and therefore using PAP software to create multiple “virtual” peripheral devices, *i.e.*, individual protocol access addresses associated with each mobile unit. There is no disclosure or suggestion of utilizing *multiple technology standards at the same time for communicating* as claimed, since only PAP software is disclosed in this embodiment, and not PAP and 802.11 together as suggested in the Office Action. In any event, there is no disclosure or suggestion in *Beach* of *identifying a single wireless technology standard utilized by the wireless peripheral device or forwarding the communication to the wireless peripheral device using **the single wireless technology standard*** as claimed. Further to the above, *Beach* cannot be relied upon to show that the *step of identifying further comprises receiving an acknowledgement from the wireless peripheral device, the acknowledgement indicating the single wireless technology standard utilized by the wireless peripheral device*, as further stipulated in new Claim 17.

In view of at least the foregoing arguments, *Beach* does not disclose each and every aspect of Claim 7, as is required in order to show anticipation under 35 U.S.C. § 102.

Accordingly, Applicant respectfully requests that the rejection of this claim and all claims depending therefrom, namely Claims 10 – 11, be withdrawn and these claims be allowed.

The Office Action includes a rejection of Claims 1, 5, 7, 10, and 12 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,879,600 to *Jones et al.* Applicant respectfully traverses this rejection and requests reconsideration and withdrawal thereof.

With regard to pending Claim 1, the Office Action states that *Jones et al.* discloses procedures for “communicating wireless signals to the wireless peripheral device,” where “the wireless signals utilizing more than one wireless technology standard,” and also “forwarding the communication to the wireless peripheral device using a single wireless technology standard,” citing elements 112, 114, 118, and 120 from Fig. 1, and also col. 1, lines 52-64 and col. 6, line 65 through col. 11, line 55. However, such steps are not in fact disclosed in these passages or elsewhere in this reference. Rather, the passage from cols. 6-11 describes Fig. 1 and discloses a pair of mobile stations 116, one of which communicates with a first access system 112 according to a first protocol, the other of which communicates with a second access system 118 according to a second protocol. *Jones et al.* also discloses a common gateway 120 through which incoming voice content may undergo a protocol translation depending on whether it is sent to either the first or second access system. (*See, e.g.,* col. 8, lines 23-39.) In view of the foregoing, it is readily apparent that *Jones et al.* is limited to disclosing *different mobile stations* that use *different protocols* when communicating respectively with *different access systems*. *Jones et al.*

also discloses that the mobile units may operate alternatively in two communication modes, *i.e.* the first and second protocol modes, when communicating with separate networks 112, 118. (See, e.g., col. 11, lines 16-35.) From this disclosure, it is clear that a mobile unit may only communicate *alternatively* with different networks using different protocols. The passage cited at col. 1, lines 52-64 merely presents a list of various types of wireless formats currently in use in the United States.

Applicant respectfully submits that, as detailed below, the cited reference fails to disclose or suggest each and every element as set forth in independent Claims 1, 7, and 12, and as a matter of law, claims that depend respectively therefrom, namely Claims 4-6, 10-11, and 16 in order to demonstrate anticipation in accordance with 35 U.S.C. § 102.

Claim 1 as currently pending is reproduced below:

Claim 1. A method, comprising the steps of:

receiving a communication for a wireless peripheral device;

communicating wireless signals in a plurality of wireless technology standards at the same time to the wireless peripheral device;

identifying a single wireless technology standard utilized by the wireless peripheral device; and

forwarding the communication to the wireless peripheral device using a single wireless technology standard.

Applicant respectfully submits that the references alleged in the Office Action to anticipate the present invention do not include at least the features of Claim 1 highlighted above. As mentioned hereinabove, *Jones et al.* relates to a system where each of a pair of mobile stations communicate respectively with a first or second access system according to a respective first or second protocol. *Jones et al.* also discloses that mobile units may operate alternatively in two communication modes, *i.e.* the first and second protocol, when communicating with separate first and second networks. It is clear from the lengthy cited passage of *Jones et al.* that individual mobile units are used to communicate with only one access system at a time, using a respective protocol. Thus, it is clear that these protocols are not implemented at the same time, but in sequence, as was also the case with *Beach* as noted hereinabove. Further, *Jones et al.* only discloses “mobile stations 116,” for exchanging voice content, and depicted in the figure as a conventional cellular phone. There is no disclosure or suggestion in *Jones et al.* of a *wireless peripheral device* as presently claimed.

In view of the foregoing, it is readily apparent that *Jones et al.* fails to disclose or suggest a method that includes *communicating wireless signals in a plurality of wireless technology standards at the same time to the wireless peripheral device and forwarding the communication to the wireless peripheral device using a single wireless technology standard.* Therefore, *Jones et al.* cannot be construed as anticipating the present Claim 1. Additionally, it is also clear that *Jones et al.* fails to disclose or suggest an intermediate step of *identifying a single wireless*

technology standard utilized by the wireless peripheral device, as also recited in amended Claim 1. *Jones et al.* additionally does not disclose or suggest that the *step of identifying further comprises receiving an acknowledgement from the wireless peripheral device, the acknowledgement indicating the single wireless technology standard utilized by the wireless peripheral device*, as further stipulated in Claim 4.

In view of at least the aforementioned reasons, it is readily apparent that *Jones et al.* fails to disclose each and every aspect of the claim, as required in order to meet the conditions required by 35 U.S.C. § 102. Applicant therefore respectfully requests that the rejection of Claim 1 and Claims 4, 5, and 6 that depend therefrom be withdrawn and these claims be allowed.

Claim 7 as currently pending is reproduced below:

Claim 7. A method for communicating with a wireless peripheral device, the method comprising:

receiving a communication for the wireless peripheral device;

instructing multiple wireless systems to communicate wireless signals to the wireless peripheral device, the multiple wireless systems utilizing multiple wireless technology standards at the same time for communicating;

identifying a single wireless technology standard utilized by the wireless peripheral device; and forwarding the communication to the wireless peripheral device using the single wireless technology standard.

Applicant respectfully submits that *Jones et al.* fails to disclose at least the features of Claim 7 highlighted above. In particular, there is nothing disclosed or suggested in that reference that suggests a method including *instructing multiple wireless systems to communicate wireless signals to the wireless peripheral device, the multiple wireless systems utilizing multiple wireless technology standards at the same time for communicating.* The Office Action states that *Jones et al.* is similarly applied to Claim 7 as with Claim 1, but as shown hereinabove, this reference fails to disclose or suggest all the presently claimed features. The Office Action once again cites Fig. 1 and states that the aforementioned limitation is inherent, additionally citing col. 7, lines 8-30. However, this passage is included in the lengthy section cited against Claim 1, and merely provides additional detail for the system already discussed hereinabove. To wit, this passage discloses that a segment of a first communication path for a mobile station to a first access system may be provided over a wireless or wired interface, and the first access system may also include various interconnected network elements that provide additional segments of the first communication path. Similarly, a second access system provides a second communication path for the mobile station, paralleling the first access system. Nothing can be found in this passage or elsewhere for *instructing multiple wireless systems to communicate wireless signals to the wireless peripheral device utilizing multiple technology standards at the same time for communicating*, as presently claimed. Further, there is no disclosure or suggestion in this reference of *identifying a single wireless technology standard utilized by the wireless*

peripheral device or forwarding the communication to the wireless peripheral device using the single wireless technology standard as claimed. Therefore, this reference fails to disclose or suggest all the presently claimed features of Claim 7. Neither can this reference be relied upon to show that the *step of identifying further comprises receiving an acknowledgement from the wireless peripheral device, the acknowledgement indicating the single wireless technology standard utilized by the wireless peripheral device*, as further stipulated in Claim 17.

In view of at least the foregoing arguments, *Jones et al.* does not disclose each and every aspect of Claim 7, as is required in order to show anticipation under 35 U.S.C. § 102. Accordingly, Applicant respectfully requests that the rejection of this claim and all claims depending therefrom, namely Claims 10 – 11, be withdrawn and these claims be allowed.

Claim 12 as currently pending is reproduced below:

Claim 12. A method for terminating a message to a wireless peripheral device, the method comprising:

receiving the message for the wireless peripheral device;

instructing multiple message service centers to communicate an activation message to the wireless peripheral device, the multiple message service centers utilizing at least two of i) a Global System for Mobile (GSM) communications technology standard, ii) a Time Division Multiple Access (TDMA) communications technology standard, iii) a Code Division Multiple Access (CDMA) communications technology standard, iv) a GSM-ANSI Interoperability Team (GAIT)

communications technology standard, and v) a combination of the Global System for Mobile (GSM) communications technology standard and the Code Division Multiple Access (CDMA) communications technology standard, at the same time for communicating; and

forwarding the communication to the wireless peripheral device using a single wireless technology standard identified as being utilized by the wireless peripheral device.

Applicant respectfully submits that *Jones et al.* fails to disclose at least the features of Claim 12 highlighted above. The Office Action states that *Jones et al.* is similarly applied to Claim 12 as it had been with Claim 1, but as shown hereinabove, this reference fails to disclose or suggest all the presently claimed features. In particular, there is nothing disclosed or suggested in that reference that suggests *instructing multiple message service centers to communicate an activation message to the wireless peripheral device.* As noted at length hereinabove, the system of *Jones et al.* only discloses multiple cellular phones each communicating with respective access systems using respectively different protocols. The Office Action reads the claimed *message service centers* onto the “access systems 112, 118” of *Jones et al.* However, it is respectfully submitted that there is no correspondence between these components, and even if there were, there is nothing in *Jones et al.* to disclose or suggest that cellular telephone access systems for sending voice content could be construed as sending an *activation message* to a *wireless peripheral device*, as claimed. In any event, Claim 12 further recites that the *message service centers* utilize *at least two standards* -- selected from GSM,

TDMA, CDMA, GAIT, and a combination of GSM and CDMA -- *at the same time for communicating*. The previously-discussed passage at col. 1, lines 52-64 merely lists some common formats, but nothing is disclosed in *Jones et al.* that could be construed as having access systems 112, 118 that each utilize at least two of these standards. Further, there is no disclosure or suggestion in this reference of *forwarding the communication to the wireless peripheral device using a single wireless technology standard identified as being utilized by the wireless peripheral device*, as presently claimed. Therefore, this reference fails to disclose or suggest all the presently claimed features of Claim 12. *Jones et al.* also fails to disclose or suggest a further step of *receiving an acknowledgement from the wireless peripheral device, the acknowledgement indicating the single wireless technology standard identified as being utilized by the wireless peripheral device*.

In view of at least the foregoing arguments, *Jones et al.* does not disclose each and every aspect of Claim 12, as is required in order to show anticipation under 35 U.S.C. § 102. Accordingly, Applicant respectfully requests that the rejection of this claim and the claim depending therefrom, namely Claim 16, be withdrawn and these claims be allowed.

Under 35 U.S.C. § 103

Claim 11 was rejected in the Office Action under 35 U.S.C. 103(a) as being unpatentable over *Beach*. Applicant respectfully traverses this rejection and requests reconsideration and withdrawal thereof.

The Examiner has the burden of establishing a *prima facie* case of obviousness when rejecting claims under 35 U.S.C. 103(a). Recently, the U.S. Supreme Court in *KSR Int'l Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Apr. 30, 2007) noted that the analysis supporting a rejection under 35 U.S.C. § 103(a) should be made explicit, and that it was important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements in the manner claimed. In response, the Deputy Commissioner for Patent Operations issued a memorandum that states: **“Therefore, in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claim.”** (Emphasis in original) See *USPTO Memorandum*, dated May 3, 2007, Focarino, M.

Also, the Federal Circuit has held that it is improper to modify a reference in a way that destroys the intent, purpose, or function of the invention disclosed in the reference. *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984). For these reasons and others as discussed below, the Office Action has failed to present a *prima facie* case of obviousness.

Claim 11 depends from Claim 7, and as described above, the independent claim is not anticipated over *Beach*. The Office Action does not state a reason for modifying the reference in the manner claimed, as is now required in order to show obviousness under 35 U.S.C. § 103 (a). Further, Applicant submits that there is nothing in the proposed modification to *Beach* that would overcome the deficiencies of the reference with respect to independent claim from which it depends. Therefore Claim 11 is also allowable over the cited art for at least the same reasons as Claim 7. In view of the aforementioned reasons, Applicant respectfully requests that the rejection of these claims be withdrawn and these claims be allowed.

Claim 16 was rejected in the Office Action under 35 U.S.C. 103(a) as being unpatentable over *Jones et al.* Applicant respectfully traverses these rejections and requests reconsideration and withdrawal thereof.

Claim 16 depends from Claim 12. As described above, the independent claim is not anticipated over *Jones et al.* The Office Action does not state a reason for modifying the reference in the manner claimed, as is now required in order to show obviousness under 35 U.S.C. § 103 (a). Further, Applicant submits that there is nothing in the proposed modification to *Jones et al.* that would overcome the deficiencies of the reference with respect to independent claim from which it depends. Therefore Claim 16 is also allowable over the cited art for at least the same reasons as Claim 12. In view of the aforementioned reasons, Applicant respectfully requests that the rejection of these claims be withdrawn and these claims be allowed.

IV. CONCLUSION

Applicant respectfully submits that the present communication is a full and complete response to the non-final Office Action mailed April 30, 2007, which places the present application in condition for allowance. Accordingly, we respectfully request withdrawal of all rejections and allowance of the claims pending in this case. Examiner Phu is again thanked for his time during a telephone interview on June 19, 2007 and is requested to contact the undersigned at the telephone number listed below should Examiner Phu have any questions or further concerns.

No additional fees are believed due, however the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account Number 503447.

Respectfully submitted,



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